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PATENT APPLICATION
09/449,185

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Larry G. Michalewicz et al.
Serial No.: 09/449,185
Filing Date: November 24, 1999
Group Art Unit: 2661
Examiner: Brian D. Nguyen
Title: *System and Method for Converting Packet Payload Size*

MAIL STOP: APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

<p>CERTIFICATE OF MAILING BY EXPRESS MAIL Exp. Mail Receipt No. EV 473957867 US</p> <p>I hereby certify that this communication is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. § 1.10 on the date indicated below and is addressed to The Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.</p> <p><u>Willie Jiles</u> Willie Jiles</p> <p>Date: November 2, 2004</p>

Dear Sir:

Notice of Appeal

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed May 3, 2004, finally rejecting Claims 1-6, 10-16, 18-24, 26-30, 32-39, 43-49, and 51-59 all of which are pending in this case.

This application is filed on behalf of a large entity.

Applicants are filing this Notice of Appeal to prevent the abandonment of this application due to excessive delays by the Patent Office in scanning Applicants' Amendment Pursuant to 37 C.F.R. § 1.116 filed on August 24, 2004. Because this Amendment has still

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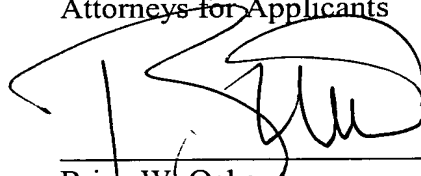
PATENT APPLICATION
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not been scanned, the Examiner is unable to consider Applicants' amendments, which would place the application in condition for allowance.

Applicants have enclosed a check in the amount of \$340.00 to cover the cost of this Notice. In addition, Applicants hereby take an Extension of Time for responding to the final Office Action for three (3) months. The three-month extension fee of \$980.00 is attached hereto. Applicants do not believe that any additional fees are due. However, the Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
~~Attorneys for Applicants~~



Brian W. Oaks
Reg. No. 44,981

Date: November 2, 2004

Correspondence Address:

Customer Number 05073